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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Steiner et al..

SERIAL NO.: 09/449,817 EXAMINER: Kerr K. M.

FILED: November 29, 1999 ART UNIT: 1652

FOR: ISOLATED NUCLEIC ACID ENCODING P-HYDE PROTEIN AND
METHODS OF INDUCING SUSCEPTIBILITY TO INDUCTION OF
CELL DEATH IN CANCER

COMMUNICATION IN RESPONSE TO SEPTEMBER 28, 2001
RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Dear Sir:

This Communication is being filed in response to the Restriction Requirement dated September 28, 2001 issued by the United States Patent and Trademark Office in connection with the above-identified Application. A response to the September 28, 2001 Restriction Requirement is due October 28, 2001. Applicants are concurrently filing herewith a Petition for a Three-Month Extension of Time, in connection with the subject Application. Therefore, a response is now due February 16, 2002. Accordingly, this Communication is being timely filed.

REMARKS

In the Office Action, the Examiner asserted that restriction to one of the following inventions is required under 35 U.S.C. 121.

In response, Applicants elect to prosecute with traverse group I, claims 1 7, 10, 11, 18-27 and 54-60, drawn to nucleic acid sequences, vectors and host cells, classified in class 435, subclass 325. Further, Applicants elect species limited to human.

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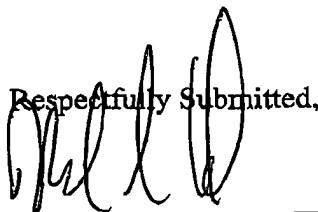
Traversal is made for the following reasons. The subject matter of groups II-VIII may be searched together with the subject matter of group I and hence would not be a burdensome search for the Examiner.

Lastly, in accordance with this election with traverse, Applicants reserve all rights in the claims of Group II (claims 12-17), Group III (claims 30-32) Group IV (claim 33-34), Group V (claim 36), Group VI (claim 40), Group VII (claim 44) and Group VIII (claims 45 and 47), respectively, to file divisional and/or continuation patent applications.

Accordingly, it is respectfully asserted that this restriction requirement is improper, and withdrawal is respectfully requested.

No fee is deemed necessary for filing this Communication. However, if any fee is required, the undersigned Attorney hereby authorizes the United States Patent and Trademark Office to charge Deposit Account 05-0649.

Respectfully Submitted,



Mark S. Cohen
Registration No. 42,425
Attorney for Applicants

Date: January 28, 2002

Eitan, Pearl, Latzer & Cohen-Zedek
Crystal Park, Suite 210
2011 Crystal Drive
Arlington, VA 22202
Tel: (703) 486-1177
Fax: (703) 486-0800